

REMARKS/ARGUMENTS

Claims 1-5 are pending in the present application. All claims have been rejected under 35 USC § 103(a) as being unpatentable over Atrio (US Pat. No 6,324,736) in view of Krim (US Pat. Publication No. 2002/0072925 A1). Applicant has amended claim 1. The amendment is fully supported by the original disclosure. No new matter has been added. Reconsideration of claim 1 and allowance of claims 1-5 in view of the following remarks is respectfully requested.

Amendment to Claim 1:

Claim 1 has been amended to include the limitation: "storing the message presentation with instructions from the person that the message presentation be played at the person's funeral." (Emphasis added to added language). This amendment is fully supported in the original specification page 4, lines 8-13 wherein it states:

"After the presentation is made, the person stores the recording medium containing the presentation with the funeral home along with instructions that the presentation be played at his or her upcoming funeral. Alternatively, the person may give the recording to a friend or family member with similar instructions."

Atrio does not teach this limitation. Atrio teaches that it is the decedent's family or the funeral home that provide the instruction and not the person while alive. (Col. 3, line 65 to Col. 4, line 7). Nowhere does Atrio teach "storing" the message presentation "with instructions from the person that the message presentation be played at the person's funeral". (Emphasis added).

Krim does not cure Atrio as Krim also does not teach this limitation. In contrast, Krim teaches providing instructions to

send the message to individuals selected from an address book and not instructions for the message to be played at the person's funeral [0025].

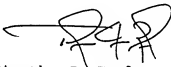
Therefore, in view of the above remarks and arguments, Applicant believes that amended claim 1 is in condition for allowance as the proposed combination does not teach each and every limitation of this claim. Additionally, claims 2-5 are dependent from claim 1, and for the previous reasons, these claims are also believed to be in proper form for allowance. Therefore, Applicant respectfully requests allowance of all claims.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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